

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDY TEJADA,

Plaintiff,

v.

S. CALDERON,

Defendant.

Case No. 1:21-cv-01112-JLT-EPG (PC)

ORDER GRANTING DEFENDANT'S EX
PARTE REQUEST FOR EXTENSION OF
TIME NUNC PRO TUNC TO RESPOND TO
PLAINTIFF'S DISCOVERY REQUESTS

(ECF No. 31)

Plaintiff Randy Tejada ("Plaintiff") is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Defendant S. Calderon's ("Defendant") ex parte request for an extension of time nunc pro tunc to respond to Plaintiff's discovery requests. (ECF No. 31.)

According to the motion, Defendant's counsel received three sets of written discovery requests from Plaintiff on April 20, 2022, consisting of interrogatories, requests for admission, and requests for production of documents. (ECF No. 31 at 3.) The proof of service was dated April 13, 2022, but Defendant's counsel is not aware of when Plaintiff handed the documents to prison authorities for mailing pursuant to the prisoner mailbox rule. (*Id.*) Due to oversight, Defendant's counsel inadvertently calendared Defendant's response date as June 8, 2022, instead of June 2, 2022. (*Id.*) Defendant served his responses on June 8, 2022. (*Id.*) Defendant's counsel learned of the miscalculation on June 20, 2022, when preparing documents for submission to the

1 Court in support of Defendant's assertion of the official information privilege and confidential.
2 (*Id.* at 4.) Defendant's motion, which was filed on June 23, 2022, requests a nunc pro tunc
3 extension of time to respond to Plaintiff's written discovery. (*See* ECF No. 31.) Alternatively,
4 Defendant requests that he be permitted to withdraw any deemed admissions. (*Id.* at 5.)

5 Having considered the motion, the Court finds good cause to grant Defendant an
6 extension of time nunc pro tunc to respond to Plaintiff's written discovery requests.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendants' motion (ECF No. 31) is GRANTED; and
- 9 2. The deadline for Defendant to respond to Plaintiff's interrogatories, requests for
10 admission, and requests for production served on or about April 13, 2022, is extended
11 nunc pro tunc to June 8, 2022.

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13 IT IS SO ORDERED.

14 Dated: June 27, 2022

/s/ Eric P. Gray
15 UNITED STATES MAGISTRATE JUDGE
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